

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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LORENZO TUCKER III,

Plaintiff,

V.

JODONA L. BROWN, et al.,

Defendants.

Case No. 2:18-cv-00118-RFB-CWH

REPORT AND RECOMMENDATION

Presently before the court are Nevada state-prison inmate Lorenzo Tucker's motions to proceed *in forma pauperis* (ECF Nos. 1, 8), filed on January 23, 2018, and May 4, 2018, respectively.

Under 28 U.S.C. § 1915(a)(2) and the court's local rules, an incarcerated plaintiff seeking to proceed *in forma pauperis* must complete an application to proceed *in forma pauperis* and attach (1) an inmate account statement for the past six months, and (2) a properly executed financial certificate. LRS 1-1, 1-2. If the plaintiff has been incarcerated at the institution for fewer than six months, the certificate must show the account's activity for the shortened period.

Tucker's application requesting to proceed *in forma pauperis* does not include the attachments required by the court's local rules. Without the required information and attachments, the court cannot evaluate whether Tucker is unable to prepay fees in this case. The court therefore will deny Tucker's applications to proceed *in forma pauperis* without prejudice. Further, the court will recommend denial of the pending motion for summary judgment in this case without prejudice for Tucker to renew the motions after the matter of the filing fee has been resolved and his complaint has been screened.

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1 IT IS THEREFORE ORDERED that plaintiff Lorenzo Tucker's Applications to Proceed
2 *In Forma Pauperis* (ECF Nos. 1, 8) are DENIED without prejudice.

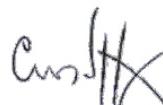
3 IT IS FURTHER ORDERED that the clerk of court must send plaintiff a blank
4 application to proceed *in forma pauperis* by an inmate as well as the document titled "Information
5 and Instructions for Filing a Motion for Leave to Proceed *In Forma Pauperis*."

6 IT IS FURTHER ORDERED that by August 17, 2018, plaintiff must either: (1) file a
7 complete application to proceed *in forma pauperis*, on the correct form with complete financial
8 attachments, or (2) pay the full \$400 fee for filing a civil action, which includes the \$350 filing
9 fee and the \$50 administrative fee.

10 IT IS RECOMMENDED that Tucker's motion for summary judgment (ECF No. 6) be
11 DENIED without prejudice.

12 IT IS FURTHER ORDERED that failure to timely comply with this order may result in a
13 recommendation that this case be dismissed.

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15 DATED: July 19, 2018

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C.W. HOFFMAN, JR.
18 UNITED STATES MAGISTRATE JUDGE
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